IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 3520 of 2007(R)

PETITIONER:

JOCHAN JOSEPH,
LECTURER (SELECTION GRADE) DEPARTMENT OF PHYSICS,
ST.ALOYSIOUS COLLEGE, EDATHUVA, ALAPPUZHA.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOTTAYAM.

3. THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, PRIYADARSHINI HILLS,
KOTTAYAM.

R1 & R2 BY GOVT. PLEADER SMT. M.R. SREELATHA.
R3 BY SC V.A. MUHAMMED.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 3520/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : THE TRUE COPY OF THE ORDER NO.AC.BV/1/518/2003 DATED 7.4.2003 ISSUED BY THE MAHATMA GANDHI UNIVERSITY.

EXT. P2 : TRUE COPY OF THE ORDER NO.AC.B.V.2/889/06 DATED 3.8.06 ISSUED BY THE MAHATMA GANDHI UNIVERSITY.

EXT. P3 : THE TRUE COPY OF LETTER NO.E2-151/2006 DATED 10.8.06.

EXT. P4 : TRUE COPY OF THE G.O.(MS) NO.209/96/H.EDN. DATED 24.12.96.

EXT. P5 : TRUE COPY OF THE ORDER NO.AC.B.V-1-798-05 DATED 19.12.05 ISSUED BY THE THIRD RESPONDENT.

K.M.JOSEPH, J.

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WP.(C) No. 3520 OF 2007

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Dated this the 14th day of March, 2007

JUDGMENT

Complaint of the petitioner is that though petitioner has been promoted to the post of Selection Grade with effect from 27.7.2003 and it is approved by the University by Ext.P2 dated 3.8.2006, the salary is not being paid. Petitioner relies on the decisions reported in **Cherian Mathew v. Principal S.B.College,Changanassery** (1998(2) K.L.T. 144) and in **O.Jayaprasad v. State of Kerala** (2003(2) K.L.J. 189).

2. Heard Government Pleader also.

The writ petition is disposed of as follows:

The second respondent will place his objections to Ext.P2 before the third respondent within a period of one month from the date of receipt of a copy of this judgment. The third respondent will meticulously consider each and every objection and pass a reasoned order. It shall be communicated to the petitioner and the second respondent. A decision will be taken by the University within a period of one month from the date of receipt of the objections. If the third

respondent reiterates the stand taken in Ext.P2, the decisions reported in **Cherian Mathew's Case and O. Jayaprasad's Case** will govern the situation thereafter and `the monetary benefits due to the petitioner will be paid without any further delay.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.